

Introduced by Senator ChesbroFebruary 22, 2005

An act to amend Sections 1524, 1538, and 1562 of, to add Section 1538.55 to, and to add and repeal Article 9 (commencing with Section 1567.50) to Chapter 3 of Division 2 of, the Health and Safety Code, and to add and repeal Article 3.5 (commencing with Section 4684.50) to Chapter 6 of Division 4.5 of, the Welfare and Institutions Code, relating to developmental services.

LEGISLATIVE COUNSEL'S DIGEST

SB 962, as introduced, Chesbro. Adult Residential Facility for Persons with Special Health Care Needs: pilot project.

Existing law, the California Community Care Facilities Act, provides for the licensure and regulation of community care and residential facilities by the State Department of Social Services. Under existing law, a violation of any of these provisions is punishable as a misdemeanor.

Existing law establishes the State Department of Developmental Services and sets forth its duties and responsibilities, including, but not limited to, administration and oversight of the state developmental centers and programs relating to persons with developmental disabilities. Existing law, the Lanterman Developmental Disabilities Services Act, requires the department to allocate funds to private nonprofit regional centers for the provision of community services and support for persons with developmental disabilities and their families. Violation of community care licensing provisions is a crime.

This bill would, until January 1, 2010, authorize the State Department of Social Services and the State Department of Developmental Services, to jointly establish and administer a pilot project for licensing and regulating Adult Residential Facilities for

Persons with Special Health Care Needs, and would make conforming changes. The bill would authorize entering into a contract for independent evaluation of the program, and would require a report to the Legislature by January 1, 2009. By changing the definition of crimes, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 1524 of the Health and Safety Code is
2 amended to read:

3 1524. A license shall be forfeited by operation of law prior to
4 its expiration date when one of the following occurs:

5 (a) The licensee sells or otherwise transfers the facility or
6 facility property, except when change of ownership applies to
7 transferring of stock when the facility is owned by a corporation,
8 and when the transfer of stock does not constitute a majority
9 change of ownership.

10 (b) The licensee surrenders the license to the department.

11 (c) The licensee moves a facility from one location to another.
12 The department shall develop regulations to ensure that the
13 facilities are not charged a full licensing fee and do not have to
14 complete the entire application process when applying for a
15 license for the new location.

16 (d) The licensee is convicted of an offense specified in Section
17 220, 243.4, or 264.1, or paragraph (1) of Section 273a, Section
18 273d, 288, or 289 of the Penal Code, or is convicted of another
19 crime specified in subdivision (c) of Section 667.5 of the Penal
20 Code.

21 (e) The licensee dies. If an adult relative notifies the
22 department of his or her desire to continue operation of the
23 facility and submits an application, the department shall expedite

1 the application. The department shall promulgate regulations for
2 expediting applications submitted pursuant to this subdivision.

3 (f) The licensee abandons the facility.

4 (g) *When the certification issued by the State Department of*
5 *Developmental Services to a licensee of an Adult Residential*
6 *Facility for Persons with Special Health Care Needs licensed*
7 *pursuant to Article 9 (commencing with Section 1567.50), is*
8 *rescinded.*

9 SEC. 2. Section 1538 of the Health and Safety Code is
10 amended to read:

11 1538. (a) Any person may request an inspection of any
12 community care facility or certified family home in accordance
13 with this chapter by transmitting to the state department notice of
14 an alleged violation of applicable requirements prescribed by
15 statutes or regulations of this state, including, but not limited to,
16 a denial of access of any person authorized to enter the facility
17 pursuant to Section 9701 of the Welfare and Institutions Code. A
18 complaint may be made either orally or in writing.

19 (b) The substance of the complaint shall be provided to the
20 licensee or certified family home and foster family agency no
21 earlier than at the time of the inspection. Unless the complainant
22 specifically requests otherwise, neither the substance of the
23 complaint provided the licensee or certified family home and
24 foster family agency nor any copy of the complaint or any record
25 published, released, or otherwise made available to the licensee
26 or certified family home and foster family agency shall disclose
27 the name of any person mentioned in the complaint except the
28 name of any duly authorized officer, employee, or agent of the
29 state department conducting the investigation or inspection
30 pursuant to this chapter.

31 (c) Upon receipt of a complaint, other than a complaint
32 alleging denial of a statutory right of access to a community care
33 facility or certified family home, the state department shall make
34 a preliminary review and, unless the state department determines
35 that the complaint is willfully intended to harass a licensee or is
36 without any reasonable basis, it shall make an onsite inspection
37 of the community care facility or certified family home within 10
38 days after receiving the complaint, except where a visit would
39 adversely affect the licensing investigation or the investigation of

1 other agencies. In either event, the complainant shall be promptly
2 informed of the state department's proposed course of action.

3 If the department determines that the complaint is intended to
4 harass, is without a reasonable basis, or, after a site inspection, is
5 unfounded, then the complaint and any documents related to it
6 shall be marked confidential and shall not be disclosed to the
7 public. If the complaint investigation included a site visit, the
8 licensee or certified family home and foster family agency shall
9 be notified in writing within 30 days of the dismissal that the
10 complaint has been dismissed.

11 (d) Upon receipt of a complaint alleging denial of a statutory
12 right of access to a community care facility or certified family
13 home, the state department shall review the complaint. The
14 complainant shall be notified promptly of the state department's
15 proposed course of action.

16 (e) The department shall commence performance of complaint
17 inspections of certified family homes upon the employment of
18 sufficient personnel to carry out this function, and by no later
19 than June 30, 1999. Upon implementation, the department shall
20 notify all licensed foster family agencies.

21 *(f) Upon receipt of a complaint concerning the care of a client*
22 *in, or the vendorization of, an Adult Residential Facility for*
23 *Persons with Special Health Care Needs licensed pursuant to*
24 *Article 9 (commencing with Section 1567.50), the department*
25 *shall notify the appropriate regional center and the State*
26 *Department of Developmental Services for the purposes of*
27 *investigating the complaint.*

28 SEC. 3. Section 1538.55 is added to the Health and Safety
29 Code, immediately following Section 1538.5, to read:

30 1538.55. (a) The licensee of an Adult Residential Facility for
31 Persons with Special Health Care Needs (ARFPSHN), licensed
32 pursuant to Article 9 (commencing with Section 1567.50), shall
33 report to the department's Community Care Licensing Division,
34 the regional center with whom the ARFPSHN contracts, and the
35 State Department of Developmental Services, within 24 hours
36 upon the occurrence of any of the following events:

- 37 (1) The death of any client from any cause.
38 (2) The use of an automated external defibrillator.
39 (3) Any injury to any client that requires medical treatment.

1 (4) Any unusual incident that threatens the physical or
2 emotional health or safety of any client.

3 (5) Any suspected physical or psychological abuse of any
4 client.

5 (6) Epidemic outbreaks.

6 (7) Poisonings.

7 (8) Catastrophes.

8 (9) Fires or explosions that occur in or on the premises.

9 (b) The licensee additionally shall submit a written report to
10 the department's Community Care Licensing Division, the
11 regional center with whom the ARFPSHN contracts, and the
12 State Department of Developmental Services within seven days
13 following any event set forth in subdivision (a), and shall include
14 the following:

15 (1) Client's name, age, sex, and date of admission.

16 (2) The date and nature of event.

17 (3) The attending physician's name, findings, and treatment, if
18 any.

19 (4) The disposition of the case.

20 (c) The department's Community Care Licensing Division
21 shall notify the State Department of Developmental Services
22 upon its findings of any deficiencies or of possible actions to
23 exclude, pursuant to Section 1558, any individual from an
24 ARFPSHN.

25 SEC. 4. Section 1562 of the Health and Safety Code is
26 amended to read:

27 1562. The director shall ensure that operators and staffs of
28 community care facilities, *except for those licensed as an Adult*
29 *Residential for Persons with Special Health Care Needs licensed*
30 *pursuant to Article 9 (commencing with Section 1567.50)*, have
31 appropriate training to provide the care and services for which a
32 license or certificate is issued. *The section shall not apply to a*
33 *facility licensed as an Adult Residential Facility for Persons with*
34 *Special Health Care Needs pursuant to Article 9 (commencing*
35 *with Section 1567.50).*

36 SEC. 5. Article 9 (commencing with Section 1567.50) is
37 added to Chapter 3 of Division 2 of the Health and Safety Code,
38 to read:

Article 9. Adult Residential Facilities for Persons with Special
Health Care Needs: Licensing

1567.50. (a) Notwithstanding that a community care facility means a place that provides nonmedical care under subdivision (a) of Section 1502, pursuant to Article 3.5 (commencing with Section 4684.50) of Chapter 6 of Division 4.5 of the Welfare and Institutions Code, the department shall jointly implement with the State Department of Developmental Services a pilot project to test the effectiveness of providing special health care and intensive support services to adults in homelike community settings.

(b) The State Department of Social Services may license, subject to the following conditions, an Adult Residential Facility for Persons with Special Health Care Needs to provide 24-hour services to adults with developmental disabilities who have special health care and intensive support needs, as defined in subdivisions (f) and (g) of Section 4684.50 of the Welfare and Institutions Code.

(1) The State Department of Developmental Services shall be responsible for granting the certificate of program approval for an Adult Residential Facility for Persons with Special Health Care Needs (ARFPSHN). The State Department of Social Services shall not issue a license unless the applicant has obtained a certification of program approval from the State Department of Developmental Services.

(2) The State Department of Social Services shall ensure that the ARFPSHN meets the administration requirements under Article 2 (commencing with Section 1520) including, but not limited to, requirements relating to fingerprinting and criminal records under Section 1522.

(3) The State Department of Social Services shall administer employee actions under Article 5.5 (commencing with Section 1558).

(4) The regional center shall monitor and enforce compliance of the program and health and safety requirements, including monitoring and evaluating the quality of care and intensive support services. The State Department of Developmental Services shall ensure that the regional center performs these functions.

1 (5) The State Department of Developmental Services may
2 decertify any ARFPSHN that does not comply with program
3 requirements. When the State Department of Developmental
4 Services determines that urgent action is necessary to protect
5 clients of the ARFPSHN from physical or mental abuse,
6 abandonment, or any other substantial threat to their health and
7 safety, the State Department of Developmental Services may
8 request the regional centers to remove the clients from the
9 ARFPSHN.

10 (6) The State Department of Social Services may initiate
11 proceedings for temporary suspension of the license pursuant to
12 Section 1550.5.

13 (7) The State Department of Developmental Services, upon its
14 decertification, shall inform the State Department of Social
15 Services of the licensee's decertification, with its
16 recommendation concerning revocation of the license, for which
17 the State Department of Social Services may initiate proceedings
18 pursuant to Section 1550.

19 (8) The State Department of Developmental Services and the
20 regional centers shall provide the State Department of Social
21 Services all available documentation and evidentiary support
22 necessary for any enforcement proceedings to suspend the
23 license pursuant to Section 1550.5, to revoke or deny a license
24 pursuant to Section 1551, or to exclude an individual pursuant to
25 Section 1558.

26 (9) The State Department of Social Services Community Care
27 Licensing Division shall enter into a memorandum of
28 understanding with the State Department of Developmental
29 Services to outline a formal protocol to address shared
30 responsibilities, including monitoring responsibilities, complaint
31 investigations, administrative actions, and closures.

32 (10) The licensee shall provide documentation that, in addition
33 to the administrator requirements set forth under paragraph (4) of
34 subdivision (a) of Section 4684.63 of the Welfare and Institutions
35 Code, the administrator, prior to employment, has completed a
36 minimum of 35 hours of initial training in the general laws,
37 regulations and policies and procedural standards applicable to
38 facilities licensed by the State Department of Social Services
39 under Article 2 (commencing with Section 1520). Thereafter, the
40 licensee shall provide documentation every two years that the

1 administrator has completed 40 hours of continuing education in
2 the general laws, regulations and policies and procedural
3 standards applicable to adult residential facilities. The training
4 specified in this section shall be provided by a vendor approved
5 by the State Department of Social Services and the cost of the
6 training shall be borne by the administrator or licensee.

7 (c) The article shall remain in effect only until January 1,
8 2010, and as of that date is repealed, unless a later enacted statute
9 extends or deletes that date.

10 SEC. 6. Article 3.5 (commencing with Section 4684.50) is
11 added to Chapter 6 of Division 4.5 of the Welfare and
12 Institutions Code, to read:

13
14 Article 3.5. Adult Residential Facilities for Persons with
15 Special Health Care Needs: Pilot Program
16

17 4684.50. (a) “Adult Residential Facility for Persons with
18 Special Health Care Needs (ARFPSHN)” means an adult
19 residential facility that provides 24-hour health care and intensive
20 support services in a homelike setting to not more than five
21 persons with developmental disabilities as defined in Section
22 4512.

23 (b) “Consultant” means a person professionally qualified by
24 training and experience to give expert advice, information,
25 training, or to provide health-related assessments and
26 interventions specified in a consumer’s individual health care
27 plan.

28 (c) “Direct care personnel” means all personnel who directly
29 provide program or nursing services to consumers.
30 Administrative and licensed personnel shall be considered direct
31 care personnel when directly providing program or nursing
32 services to clients. Consultants shall not be considered direct care
33 personnel.

34 (d) “Individual health care plan” means the plan that identifies
35 and documents the health care and intensive support service
36 needs of a consumer.

37 (e) “Individual health care plan team” means those individuals
38 who develop, monitor, and revise the individual health care plan
39 for consumers residing in an Adult Residential Facility for

1 Persons with Special Health Care Needs. The team shall, at a
2 minimum, be composed of all of the following individuals:

3 (1) Regional center service coordinator or other regional
4 center representative.

5 (2) Consumer or consumer's authorized representative.

6 (3) Individual legally authorized to make health care decisions
7 on the consumer's behalf, if the consumer lacks the capacity to
8 give informed consent.

9 (4) Consumer's primary care physician, or other physician as
10 designated by the regional center.

11 (5) ARFPSHN administrator.

12 (6) ARFPSHN registered nurse.

13 (7) Others deemed necessary for developing a comprehensive
14 and effective plan.

15 (f) "Intensive support needs" means the consumer requires
16 physical assistance in performing four or more of the following
17 activities of daily living:

18 (1) Eating.

19 (2) Dressing.

20 (3) Bathing.

21 (4) Transferring.

22 (5) Toileting.

23 (6) Continence.

24 (g) "Special health care needs" means the consumer has health
25 conditions that are predictable and stable, as determined by the
26 individual health care plan team, and for which the individual
27 may require nursing supports for any of the following types of
28 care:

29 (1) Nutrition support, including total parenteral feeding and
30 gastrostomy feeding, and hydration.

31 (2) Cardiorespiratory monitoring.

32 (3) Oxygen support, including continuous positive airway
33 pressure and bilevel positive airway pressure, and use of other
34 inhalation-assistive devices.

35 (4) Nursing interventions for tracheostomy care and
36 suctioning.

37 (5) Nursing interventions for colostomy, ileostomy, or other
38 medical or surgical procedures.

39 (6) Special medication regimes including injection and
40 intravenous medications.

- 1 (7) Management of insulin-dependent diabetes.
- 2 (8) Manual fecal impaction, removal, enemas, or
- 3 suppositories.
- 4 (9) Indwelling urinary catheter/catheter procedure.
- 5 (10) Treatment for staphylococcus infection.
- 6 (11) Treatment for wounds or pressure ulcers (stages 1 and 2).
- 7 (12) Post-operative care and rehabilitation.
- 8 (13) Pain management and palliative care.

9 4684.53. (a) The State Department of Developmental
10 Services and the State Department of Social Services shall jointly
11 implement a pilot project to test the effectiveness of providing
12 special health care and intensive support services to adults in
13 homelike community settings.

14 (b) The pilot project shall be implemented through the
15 following regional centers only:

- 16 (1) The San Andreas Regional Center.
- 17 (2) The Regional Center of the East Bay.
- 18 (3) The Golden Gate Regional Center.

19 (c) The regional centers participating in this pilot project may
20 contract for an aggregate total of services for no more than 120
21 persons in an ARFPSHN.

22 (d) Each ARFPSHN shall possess a valid community care
23 facility license issued pursuant to Article 9 (commencing with
24 Section 1567.50) of Chapter 3 of Division 2 of the Health and
25 Safety Code, and shall be subject to the requirements of Division
26 6 of Title 22 of the California Code of Regulations.

27 (e) Each ARFPSHN shall be subject to the requirements of
28 Subchapters 5 through 9 of Chapter 1 of, and Subchapters 2 and
29 4 of Chapter 3 of, Division 2 of Title 17 of the California Code of
30 Regulations.

31 (f) Each ARFPSHN shall ensure that an operable automatic
32 fire sprinkler system is installed and maintained.

33 (g) Each ARFPSHN shall provide auxiliary lighting and power
34 sources to operate all functions of the facility for a minimum of
35 six hours. The auxiliary system shall be maintained in safe
36 operating condition, and shall be tested at least every 14 days
37 under full load condition for a minimum of 10 minutes. A written
38 record of inspection, performance, exercising period and repair
39 of the emergency electrical system shall be regularly maintained
40 on the premises and available for inspection.

1 4684.55. (a) No regional center may pay a rate to any
2 ARFPSHN for any consumer that exceeds the average annual
3 cost of serving a consumer at Agnews Developmental Center, as
4 determined by the State Department of Developmental Services.

5 (b) The payment rate for ARFPSHN services shall be
6 negotiated between the regional center and the ARFPSHN, and
7 shall be paid by the regional center under the service code
8 “Specialized Residential Facility (Habilitation).”

9 (c) Payment for a full month of service shall be made by the
10 regional center when a consumer is temporarily absent from the
11 ARFPSHN 21 days or less due to a medical condition requiring
12 hospitalization or temporary placement in a facility providing a
13 higher level of care.

14 4684.58. The regional center may recommend for
15 participation, the State Department of Developmental Services,
16 an applicant for this pilot project when the applicant meets all of
17 the following requirements and has been selected through a
18 request for proposals process issued by one or more of the three
19 participating regional centers:

20 (a) It has a successful record of operating a licensed residential
21 facility for at least two years, as evidenced by consistent
22 compliance with applicable state licensing requirements.

23 (b) It prepares and submits, to the regional center, a complete
24 facility program plan that includes, but is not limited to, all of the
25 following:

26 (1) The total number of the consumers to be served.

27 (2) A profile of the consumer population to be served,
28 including their health care and intensive support needs.

29 (3) A description of the program components, including a
30 description of the health care and intensive support services to be
31 provided.

32 (4) A week’s program schedule, including proposed consumer
33 day and community integration activities.

34 (5) A week’s proposed program staffing pattern, including
35 licensed, unlicensed, and support personnel and the number and
36 distribution of hours for such personnel.

37 (6) An organizational chart, including identification of lead
38 and supervisory personnel.

1 (7) The consultants to be utilized, including their professional
2 disciplines and hours to be worked per week or month, as
3 appropriate.

4 (8) The plan for accessing and retaining consultant and health
5 care services, including assessments, in the areas of physical
6 therapy, occupational therapy, respiratory therapy, speech
7 pathology, audiology, pharmacy, dietary/nutrition, and other
8 areas required for meeting the needs identified in consumers'
9 individual health care plans.

10 (9) A description, including the size, layout, location, and
11 condition of the proposed home.

12 (10) A description of the equipment and supplies available, or
13 to be obtained, for programming and care.

14 (11) The type, location, and response time of emergency
15 medical service personnel.

16 (12) The in-service training program plan for at least the next
17 12 months.

18 (13) The plan for ensuring that outside services are
19 coordinated, integrated, and consistent with those provided by
20 the ARFPSHN.

21 4684.60. The vendoring regional center shall, before placing
22 any consumer into an ARFPSHN, ensure that the ARFPSHN has
23 a valid license issued by the State Department of Social Services
24 and a fully executed contract with the regional center that
25 includes, at a minimum, all of the following:

26 (a) The names of the regional center and the licensee.

27 (b) The purpose of the pilot project.

28 (c) A requirement that the contractor shall comply with all
29 applicable statutes and regulations, including Section 4681.1.

30 (d) The effective date and termination date of the contract.

31 (e) A requirement that, under no circumstances, shall the
32 contract extend beyond the stated termination date, which shall
33 not be longer than the pilot legislation end date of January 1,
34 2010.

35 (f) The definition of terms.

36 (g) A requirement that the execution of any amendment or
37 modification to the contract be in accordance with all applicable
38 federal and state statutes and regulations and be by mutual
39 agreement of both parties.

1 (h) A requirement that the provider and the agents and
2 employees of the provider, in the performance of the contract,
3 shall act in an independent capacity, and not as officers or
4 employees or agents of the State of California or the regional
5 center.

6 (i) A requirement that the assignment of the contract for
7 consumer services shall not be allowed.

8 (j) The rate of payment per consumer.

9 (k) Incorporation, by reference, of the ARFPSHN's approved
10 program plan.

11 (l) A requirement that the contractor verify, and maintain for
12 the duration of the project, possession of commercial general
13 liability insurance.

14 (m) An agreement to provide, to the evaluation contractor
15 engaged pursuant to subdivision (a) of Section 4684.74, all
16 information necessary for evaluating the project.

17 4684.63. (a) Each ARFPSHN shall do all of the following:

18 (1) Meet the minimum requirements for a Residential Facility
19 Service Level 4-i pursuant to Sections 56004 and 56013 of Title
20 17 of the California Code of Regulations, and ensure that all of
21 the following conditions are met:

22 (A) That a licensed registered nurse, licensed vocational nurse,
23 or licensed psychiatric technician, is awake and on duty 24-hours
24 per day, seven days per week.

25 (B) That a licensed registered nurse is awake and on duty at
26 least eight hours per person, per week.

27 (C) That at least two staff on the premises are awake and on
28 duty when providing care to four or more consumers.

29 (2) Ensure the consumer remains under the care of a physician
30 at all times and is examined by the primary care physician at
31 least once every 60 days, or more often if required by the
32 consumer's individual health care plan.

33 (3) Ensure that an administrator is on duty at least 20 hours per
34 week to ensure the effective operation of the ARFPSHN.

35 (4) The administrator shall have at least one year of
36 administrative and supervisory experience in a licensed
37 residential program for persons with developmental disabilities
38 and shall meet one or more of the following qualifications:

39 (A) Be a licensed registered nurse.

40 (B) Be a licensed nursing home administrator.

1 (C) Be a senior psychiatric technician.

2 (D) Be an individual with a bachelors degree in the health or
3 human services field and two years experience working in a
4 licensed residential program for persons with developmental
5 disabilities and special health care needs.

6 (b) The regional center may require an ARFPSHN to provide
7 additional professional, administrative, or supportive personnel
8 whenever the regional center determines, in consultation with the
9 individual health care plan team, that additional personnel are
10 needed to provide for the health and safety of consumers.

11 (c) ARFPSHNs may utilize appropriate staff from Agnews
12 Developmental Center, as set forth in the plan developed
13 pursuant to Section 4474.1.

14 (d) All direct care personnel shall be subject to the training
15 requirements specified in Section 4695.2.

16 4684.65. (a) A regional center shall not place, or fund the
17 placement for, any consumer in an ARFPSHN until the
18 individual health care plan team has prepared a written individual
19 health care plan that can be fully and immediately implemented
20 upon the consumer's placement.

21 (b) An ARFPSHN shall only accept for admission consumers
22 who are residing at Agnews Development Center at the time of
23 the proposed placement, and who have the special health care or
24 intensive support needs.

25 (c) The ARFPSHN shall not admit a consumer if the
26 individual health care plan team determines that the consumer
27 has a propensity for behaviors that likely would result in harm to
28 others, or a health condition that is unpredictable or unstable.

29 4684.68. (a) The individual health care plan shall include, at
30 a minimum all of the following:

31 (1) An evaluation of the consumer's current health.

32 (2) A description of the consumer's ability to perform the
33 activities of daily living.

34 (3) A list of all current prescription and nonprescription
35 medications the consumer is using.

36 (4) A list of all health care and intensive support services the
37 consumer is currently receiving or may need upon placement in
38 the ARFPSHN.

39 (5) A written statement from the consumer's primary care
40 physician, or other physician as designated by the regional

1 center, that the consumer's medical condition is predictable and
2 stable, and that the consumer's level of care is appropriate for the
3 ARFPSHN.

4 (6) Provision for the consumer to be examined by his or her
5 primary care physician at least once every 60 days, or more
6 frequently if indicated.

7 (7) A list of the appropriate professionals assigned to provide
8 the health care as described in the plan.

9 (8) The name of the individual health care plan team member,
10 and an alternate designee, who is responsible for day-to-day
11 monitoring of the consumer's health care plan and ensuring its
12 implementation as written.

13 (9) Identification of the legally authorized representative to
14 make health care decisions on the consumer's behalf, if the
15 consumer lacks the capacity to give informed consent.

16 (10) The name and telephone number of the person or persons
17 to notify in case of an emergency.

18 (11) The next meeting date of the individual health care plan
19 team, which shall be at least every six months, to evaluate and
20 update the individual health care plan.

21 (b) Administration of medications to consumers shall comply
22 with all of the following requirements:

23 (1) Medications shall be given only on the order of a person
24 lawfully authorized to prescribe.

25 (2) Medications shall be administered as prescribed and shall
26 be recorded in the consumer record. The name and title of the
27 person administering the medication or treatment, and the date,
28 time, and dosage of the medication administered shall be
29 recorded. Initials may be used provided the signature of the
30 person administering the medication or treatment is recorded on
31 the medication or treatment record.

32 (3) Preparation of dosages for more than one scheduled
33 administration time shall not be permitted.

34 (4) Persons administering medications shall confirm each
35 consumer's identity prior to the administration.

36 (5) Medications shall be administered within two hours after
37 dosages are prepared and shall be administered by the same
38 person who prepared the dosages. Dosages shall be administered
39 within one hour of the prescribed time unless otherwise indicated
40 by the prescriber.

1 (6) All medications shall be administered only by those
2 persons specifically authorized to do so by their respective scope
3 of practice.

4 (7) No medication shall be administered to or used by any
5 consumer other than the consumer for whom the medication was
6 prescribed.

7 (8) Medication errors and adverse drug reactions shall be
8 recorded and reported immediately to the practitioner who
9 ordered the drug or another practitioner responsible for the
10 medical care of the consumer. Minor adverse reactions which are
11 identified in the literature accompanying the product as a usual or
12 common side effect, need not be reported to the practitioner
13 immediately, but in all cases shall be recorded in the consumer's
14 record. Medication errors include, but are not limited to, the
15 failure to administer a drug ordered by a prescriber within one
16 hour of the time prescribed, administration of any drugs other
17 than prescribed or the administration of a dose not prescribed.

18 4684.70. (a) The State Department of Social Services, in
19 administering the licensing program, shall not evaluate or have
20 any responsibility for evaluating consumers' level of care or
21 health care provided by ARFPSHN. Any suspected deficiencies
22 in a consumer's health care identified by the State Department of
23 Social Services' personnel shall be reported immediately to the
24 appropriate regional center and the State Department of
25 Developmental Services for investigation.

26 (b) The regional center shall have responsibility for
27 monitoring and evaluating the health care and intensive support
28 service needs identified in the consumer's individual health care
29 plan.

30 (c) For each consumer placed in an ARFPSHN, the regional
31 center shall assign a service coordinator who possesses a current
32 and valid license as a registered nurse.

33 (d) The regional center service coordinator shall visit the
34 consumer, in person, at least monthly in the ARFPSHN, or more
35 frequently if specified in the consumer's individual health care
36 plan.

37 (e) The State Department of Developmental Services shall
38 monitor and ensure the regional centers' compliance with the
39 requirements of this article. The monitoring shall include on-site

1 visits to all the ARFPSHNs at least every six months for the
2 duration of the pilot project.

3 4684.73. (a) In addition to any other contract termination
4 provisions, a regional center may terminate its contract with an
5 ARFPSHN when the regional center determines that the
6 ARFPSHN is unable to maintain compliance with state laws,
7 regulations, or its contract with the regional center, or the
8 ARFPSHN demonstrates an inability to ensure the health and
9 safety of the consumers.

10 (b) The ARFPSHN may appeal a regional center's decision to
11 terminate its contract by sending, to the executive director of the
12 contracting regional center, a detailed statement containing the
13 reasons and facts demonstrating why the termination is
14 inappropriate. The appeal must be received by the regional center
15 within 10 working days from the date of the letter terminating the
16 contract. The executive director shall respond with his or her
17 decision within 10 working days of the date of receipt of the
18 appeal from the ARFPSHN. The executive director shall submit
19 his or her decision to the State Department of Developmental
20 Services on the same date that it is signed. The decision of the
21 executive director shall be the final administrative decision.

22 (c) The Director of Developmental Services may rescind an
23 ARFPSHN's program certification when, in his or her sole
24 discretion, an ARFPSHN does not meet any one or more of the
25 requirements of applicable statute, regulation, or ordinance. The
26 decision of the Director of Developmental Services shall be the
27 final administrative decision. The Director of Developmental
28 Services shall transmit his or her decision rescinding an
29 ARFPSHN's program certification to the State Department of
30 Social Services and the regional center with his or her
31 recommendation as to whether to revoke the ARFPSHN's
32 license.

33 4684.74. (a) By July 1, 2006, the State Department of
34 Developmental Services shall contract with an independent
35 agency or organization to evaluate the pilot project and prepare a
36 report of its written findings. The scope of services for the
37 contractor shall be jointly prepared by the State Department of
38 Developmental Services, the State Department of Social
39 Services, and the State Department of Health Services and, at a
40 minimum, shall address all of the following:

- 1 (1) The number, business status, and location of all the
- 2 ARFPSHNs.
- 3 (2) The number and characteristics of the consumers served.
- 4 (3) The effectiveness of the pilot project in addressing
- 5 consumers' health care and intensive support needs.
- 6 (4) The extent of consumers' community integration and
- 7 satisfaction.
- 8 (5) The consumers' access to, and quality of,
- 9 community-based health care and dental services.
- 10 (6) The types, amounts, qualifications, and sufficiency of
- 11 staffing.
- 12 (7) The overall impressions, problems encountered, and
- 13 satisfaction with the ARFPSHN service model by ARFPSHN
- 14 employees, regional center participants, state licensing and
- 15 monitoring personnel, and consumers and families.
- 16 (8) The costs of all direct, indirect, and ancillary services.
- 17 (9) An analysis and summary findings of all ARFPSHN
- 18 consumer special incident reports and unusual occurrences
- 19 reported during the evaluation period.
- 20 (10) The recommendations for improving the ARFPSHN
- 21 service model.
- 22 (b) The contractor's written report shall be submitted to the
- 23 State Department of Developmental Services, the State
- 24 Department of Social Services, the State Department of Health
- 25 Services, and to the Legislature by January 1, 2009.
- 26 4684.75. (a) The State Department of Developmental
- 27 Services may adopt emergency regulations to implement this
- 28 article. The adoption, amendment, repeal, or readoption of a
- 29 regulation authorized by this section is deemed to be necessary
- 30 for the immediate preservation of the public peace, health and
- 31 safety, or general welfare, for purposed of Sections 11346.1 and
- 32 11349.6 of the Government Code, and the State Department of
- 33 Developmental Services is hereby exempted from the
- 34 requirement that it describe specific facts showing the need for
- 35 immediate action. A certificate of compliance for these
- 36 implementing regulations shall be filed within 24 months
- 37 following the adoption of the first emergency regulations filed
- 38 pursuant to this section.

1 (b) This article shall remain in effect only until January 1,
2 2010, and as of that date is repealed, unless a later statute extends
3 or deletes that date.

4 SEC. 7. No reimbursement is required by this act pursuant to
5 Section 6 of Article XIII B of the California Constitution because
6 the only costs that may be incurred by a local agency or school
7 district will be incurred because this act creates a new crime or
8 infraction, eliminates a crime or infraction, or changes the
9 penalty for a crime or infraction, within the meaning of Section
10 17556 of the Government Code, or changes the definition of a
11 crime within the meaning of Section 6 of Article XIII B of the
12 California Constitution.